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Agenda item 162

Establishment of the International Criminal Court

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Establishment of the International Criminal Court" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/105 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 9th, 11th to 13th and 30th meetings, from 18 to 20 October and on 15 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.9, 11-13 and 30).

4. At the 9th meeting, on 18 October, the Legal Counsel made a statement in compliance with paragraph 8 of General Assembly resolution 54/105 (see A/C.6/55/SR.9).

II. Consideration of draft resolution A/C.6/55/L.11

5. At the 30th meeting, on 15 November, the representative of the Netherlands introduced a draft resolution entitled "Establishment of the International Criminal Court" (A/C.6/55/L.11).

6. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.11 without a vote (see para. 8).

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III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Establishment of the International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998 and 54/105 of 9 December 1999,

Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998[1] and is open for signature in New York at United Nations Headquarters until 31 December 2000, and taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998,[2]

Recalling the Millennium Declaration,[3] adopted at the Millennium Assembly, in which heads of State and Government stressed the importance of the International Criminal Court,

Noting in particular that the Conference decided to establish a Preparatory Commission for the Court,[4] and that the Commission held three sessions in 1999, from 16 to 26 February, 26 July to 13 August and 29 November to 17 December, and three sessions in 2000, from 13 to 31 March, 12 to 30 June and 27 November to 8 December,

Bearing in mind the mandate of the Preparatory Commission, as set out in resolution F adopted by the Conference, with regard to the preparation of proposals for practical arrangements for the establishment and coming into operation of the Court,

Recalling, with regard to future work of the Preparatory Commission and related working groups, the decision agreed upon by the Commission, referred to in paragraph 14 of the summary of the proceedings of its fifth session,[5] to establish three new working groups, in addition to the working group on the crime of aggression,

Recognizing the continuing need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

Emphasizing the need to make the necessary arrangements for the commencement of the functions of the International Criminal Court in order to ensure its effective operation,

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[1] A/CONF.183/9.
[2] A/CONF.183/10.
[3] Resolution 55/2.
[4] A/CONF.183/10, annex I, resolution F.
[5] PCNICC/2000/L.3/Rev.1.

Noting that a growing number of States have deposited their instruments of ratification and that a significant number of States have signed the Statute,

1. *Reiterates* the historic significance of the adoption of the Rome Statute of the International Criminal Court;[1]

2. *Calls upon* all States to consider signing, ratifying or acceding to the Rome Statute of the International Criminal Court, as appropriate, and encourages efforts aimed at promoting awareness of the results of the Conference and of the provisions of the Statute;

3. *Welcomes* the important work accomplished by the Preparatory Commission in the completion of the part of the mandate relating to the draft texts of the rules of procedure and evidence and the elements of crimes, as required under resolution F, and notes in this respect the importance of the growing participation in the work of the working group on the crime of aggression;

4. *Requests* the Secretary-General to reconvene the Preparatory Commission, in accordance with resolution F, from 26 February to 9 March 2001 and from 24 September to 5 October 2001, to continue to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court;

5. *Also requests* the Secretary-General to make available to the Preparatory Commission secretariat services, including the preparation of working documents if so requested by the Commission, to enable it to perform its functions;

6. *Further requests* the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions,[6] to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda;

7. *Notes* that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates;

8. *Encourages* States to make voluntary contributions to the trust funds established pursuant to General Assembly resolutions 51/207 and 52/160, the mandates of which were expanded pursuant to Assembly resolution 53/105, towards meeting the costs of the participation in the work of the Preparatory Commission of the least developed countries and of those developing countries not covered by the trust fund established pursuant to resolution 51/207;

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[6] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10 and 54/195.

9. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution;

10. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Establishment of the International Criminal Court".